

DOCKET FILE COPY ORIGINAL

BEFORE THE

Federal Communications Commission

WASHINGTON, D. C. 20554

DEC 19 1994

In the Matter of)
)
Allocation of Spectrum Below) ET Docket No. 94-32
5 GHz Transferred from Federal)
Government Use)

To: The Commission

COMMENTS OF THE LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

The Los Angeles County Sheriff's Department ("Department") hereby submits the following comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), FCC 94-272 (released November 8, 1994), in the above-captioned proceeding regarding the allocation of the first 50 MHz to be released by the Federal Government pursuant to Title VI of the Omnibus Budget Reconciliation Act of 1993.

The Department is the third largest law enforcement agency in the United States, and the nation's largest sheriff's department. It has over 11,000 sworn and civilian personnel responsible for providing street patrol, gang suppression, transportation policing, investigative and detective services, air-sea rescue, jail operations, court services, disaster relief, mountain rescue, sea and air patrol, and mutual aid to the nearly nine million citizens of Los Angeles County. The Department's area of

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jurisdiction covers over 4,000 square miles, and includes such varied terrain as the densely populated Los Angeles Basin, mountain peaks and valleys, islands, and deserts.

The Department strongly supports the Association of Public-Safety Communications Officials-International, Inc. ("APCO") and others in their efforts to obtain new radio spectrum allocations for public safety communications.

Severe spectrum shortages, particularly in the large metropolitan areas, seriously hamper the ability of public safety agencies to expand current communication systems to keep pace with population growth, escalating crime, and other factors placing increasing demands on operations. Spectrum shortages also inhibit our ability to implement additional communications technologies that would play a significant role in law enforcement and coordinating responses to disasters and other emergencies.

The radio spectrum at issue in this proceeding has the potential to meet some of these additional communications requirements. In particular, these frequency bands could help to satisfy an important immediate need for dedicated public safety video communication channels, especially for airborne video operations. The Sheriff's Department and other County public safety agencies have long used helicopters and other aircraft for surveillance and command and control operations. The Department currently operates fifteen helicopters and two fixed wing aircraft for these

activities. What the County does not have, and desperately needs, is the ability to transmit live video from those aircraft to command centers on the ground.

Major emergencies such as earthquakes, wildfires, and civil disturbances require rapid and efficient deployment of emergency personnel. Having a "birds-eye" view of the situation would greatly facilitate the ability of the Sheriff's Department and other public safety agencies to respond to such emergencies. On a day-to-day basis, live airborne video surveillance would also be an invaluable tool for coordinating drug interdiction, hot pursuits, hostage situations, and other tactical operations.

The broadcasting industry already has dedicated channels for this type of remote, live video transmissions. Among the most vivid recent examples are the uninterrupted live coverage of the O.J. Simpson "pursuit" through the streets of Los Angeles, and coverage of the Northridge earthquake aftermath.^{1/} Every television viewer in the nation had the benefit of live overhead views of those events. Ironically, law enforcement and other emergency personnel directly involved in such events lacked the

^{1/} In one instance, a television station helicopter was transmitting live pictures of firefighters scrambling over a flaming home, giving television viewers located thousand of miles away a better view of the situation than the fire department commander on the scene.

ability to provide themselves with similar views of the situation.^{2/}

In recognition of this critical public safety need, broadcasters and amateur radio licensees occasionally have made frequencies available to public safety agencies on a temporary basis for airborne use. This has been helpful, but more is needed. Public safety agencies need permanent, 24-hour access to channels under their control to address emergencies and other situations as they occur. The Department cannot depend upon occasional secondary use of channels, since its need for live video capability may coincide with the needs of broadcasters seeking video coverage of the same emergency, but for different purposes.^{3/}

In the Department's case, it has identified a need for two to four 6 MHz wide video channel for these types operations. There are frequently scores of emergency operations occurring simultaneously in a jurisdiction as large and varied as Los Angeles County, and more than one situation in the same vicinity is likely to require airborne video capability (thus limiting the ability to re-use

^{2/} In most cases, of course, there is no live television coverage of an event requiring public safety agency response.

^{3/} The Department can not rely on the images transmitted by broadcasters, as they are interested in newsworthy images, which may or may not be the images needed by law enforcement and other agencies in coordinating emergency response efforts.

frequencies). Major emergencies, such as earthquakes and wildfires, will also require multiple vantage points from more than one aircraft for accurate assessment and deployment of personnel and equipment. Multiple channels may also be necessary if the frequency band is subject to interference from other sources.^{4/}

The 2.4 GHz frequencies at issue in this proceeding may be appropriate for public safety and mobile airborne video operations. Similar broadcast auxiliary use now exists in the 2.5 GHz band. While there is a potential for interference from existing microwave ovens and other ISM devices in the 2.4 GHz bands, placing fixed receive sites for airborne video operations in non-residential areas could alleviate those concerns. The 4660-4685 MHz band may also be appropriate for such operations. The Department notes that the Association of Maximum Service Television (MSTV) has already proposed that the 4660-4685 MHz band be used for auxiliary video services.^{5/}

The Department is concerned, however, that the Commission's proposed allocation and assignment procedures will prevent public safety agencies from ever even having the opportunity to apply for these frequencies for video or other purposes. The Commission is proposing to allocate the

^{4/} A related need of the Department is for video channels for bomb squad robotics units involved in dismantling explosive devices.

^{5/} See NPRM at Appendix D.

50 MHz at issue for any "Fixed" or "Mobile" use, and to use competitive bidding to select among mutually exclusive applicants. The Department will never be in a position to bid successfully against commercial entities for the rights to use this spectrum.

As discussed in the Comments of APCO, the Commission's competitive bidding proposal is contrary to the Communications Act, as amended by Title VI of the Omnibus Budget Reconciliation Act of 1993.^{6/} The Commission's authority to use competitive bidding is strictly limited to assigning frequencies among mutually exclusive applicants. Auctions may not be used to allocate spectrum in the first instance. However, the Commission's proposed allocation in this case, for any Fixed or Mobile use, is so broad as to allow almost any use of the spectrum. Thus, issuing licenses for these frequencies through auctions is tantamount to using auctions to allocate spectrum. When that occurs, however, vital public safety communications needs are ignored.

^{6/} See Comments of APCO (filed December 19, 1994)

CONCLUSION

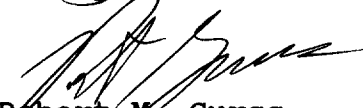
Therefore, for the reasons stated above, the Department urges the Commission to allocate radio spectrum for dedicated public safety video operations.

Respectfully submitted,

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

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